IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 22540 of 2004(G)

PETITIONER:

SHOBHANA KUMARI,
W/O. RAMACHANDRAN, AGED 42 YEARS,
AROOKUTTY VILLAGE, CHERTHALA TALUK,
ALAPPUZHA DISTRICT,
ANGANAVADI WORKER, CENTRE NO.76,
AROOKUTTY.

BY ADV. SRI.SHAJI P.CHALY

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY, SOCIAL WELFARE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE CHILD WELFARE OFFICER,
OFFICE OF THE CHIID WELFARE,
THAIKKATTUSSERY, POOCHAKKAL P.O.,
ALAPPUZHA DISTRICT.

BY GOVERNMENT PLEADER SMT.SMITHA SUKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 22540 of 2004(G)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT DTD. 04.03.2004.

EXT.P2: COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT DTD. 14.06.2004.

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RESPONDENT'S EXHIBITS: NIL

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// TRUE COPY//

P.S. TO JUDGE.

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.22540 OF 2004-G

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Dated this the 11th day of July, 2007.

JUDGMENT

The petitioner, an elected member of a panchayat is also an Anganwadi Worker. She was directed to take leave without entitlement for honorarium from the post of Anganwadi Worker during her term of office as a member of the panchayat. This is under challenge. As of now, the impugned order stands stayed with the freedom of the respondents to transfer her out from the station. Even going by G.O.(Rt.)351/04/SWD dated 7-8-1984, such embargo can be only against the president of the local body. I also do not find any sustainable ground on which the petitioner could be

refused honorarium and could be compelled to take leave merely on the ground that she is an elected member of the panchayat. The writ petition hence succeeds.

In the result, this writ petition is allowed declaring that the petitioner is not liable to be compelled to proceed on leave and forgo honorarium merely on the ground that she is a member of the panchayat.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-